

## AIM Fact Sheet #1: What Are Accessible Instructional Materials (AIM)?

For many students with disabilities, standard print in textbooks can be a barrier to access and learning. Some students who have difficulty with reading or understanding text may be candidates for the provision of accessible instructional materials (AIM). These students may need to have their core and supplemental instructional materials provided to them in an alternate format (e.g., Braille, digital, audio) to support their access to their curriculum.

IDEA 2004 requires that core instructional materials be provided in specialized formats when needed by students with disabilities. It is the responsibility of a student's IEP team to identify the type of specialized format(s) that a student will need and document this on the IEP. The final regulations of IDEA 2004 and Oregon Administrative Rules require that local education agencies provide needed accessible core instructional materials to students with disabilities in a timely manner.

Specialized Formats identified in IDEA include Braille and Tactile Graphics, Audio, Digital text and Large Print. Timely manner is defined in Oregon as *"at the same time materials are available for students who do not need materials in alternate formats"* (OAR 581-22-1640).

When an IEP team has decided that an alternative format is needed, the team must also decide which format would offer the learner the best way to obtain information from print materials. When determining appropriate alternate formats for a student, the team should give consideration to factors such as

- instructional materials used in the general education classroom,
- the level of functioning, strengths and interests of the student,
- all environments where the student is required to use print materials, and,
- the types of tasks that the student is required to complete when using print materials

When an IEP team has determined a student's need for specialized formats and the format that the student needs for each learning task, the decision should be specified in the IEP. The IEP should include 1) the specific format(s) to be provided; 2) the services and/or assistive technology that the student may need to use the specialized format(s); 3) the individuals responsible for providing the specialized format (list role rather than names); and 4) whether the format is to be used in the student's home or other setting in order for the student to receive a free and appropriate public education.

A separate Fact Sheet, entitled *Determining Student Need for Accessible Instructional Materials*, offers a framework to help school-based teams, IEP teams, 504 teams, parents and supervisors answer questions related to AIM and provides details about the AIM decision making process.

Students who cannot see the words or images on a page, cannot hold a book or turn its pages, cannot decode the text or cannot comprehend the syntax that supports the written word may each experience different challenges and they may each require different supports to extract meaning from information that is "book bound"... For each of them, however, there is a common barrier- the centuries old fixed format of the printed book.

(nimas.cast.org, Retrieved May 13, 2009)

## **Federal Rules Regarding Accessible Instructional Materials**

The requirements for accessible instructional materials are found in the regulations at 34 CFR §300.172, §300.210 and Appendix C to Part 300.

“Nothing in this section relieves an SEA of its responsibility to ensure that children with disabilities who need instructional materials in accessible formats, but are not included under the definition of blind or other persons with print disabilities in 34 CFR 300.172(e)(1)(i) or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner.

(IDEA 2004 34 CFR 300.172 )

## **Oregon Administrative Rules Regarding Accessible Instructional Materials**

### **581-015-2060**

#### **Accessible Materials**

(1) School districts must ensure the timely provision of print instructional materials, including textbooks, that comply with the National Instructional Materials Accessibility Standards (NIMAS) for students who are blind or print disabled, in accordance with OAR 581-022-1640.

(2) School districts must ensure the timely provision of instructional materials in accessible formats to children who need instructional materials in accessible formats, including those who are not blind or print disabled.

Stat. Auth.: ORS 343.041, 343.045

### **581-011-0050**

#### **Definitions**

(1) Instructional material for purposes of Oregon law is defined as any organized system which constitutes the major instructional vehicle for a given course of study, or any part thereof.

(2) A major instructional vehicle may include such instructional items as a hardbound or a softbound book or books, or sets or kits of print and non-print materials, including electronic and internet or web-based materials or media.

(3) Basal instructional programs may be adopted by the State Board of Education.

(4) Accessible Instructional Materials are required under OAR 581-015-2060, 581-022-1640, 581-011-1185, 581-011-1186, and 581-011-0052.

Stat. Auth.: ORS 337

### **581-011-0052**

#### **Accessible Instructional Materials Required**

As part of any print instructional materials adoption process, procurement contract, or other practice or instrument used for purchase of print instructional materials, the Department of Education enters into a written contract with the publisher of the print instructional materials to require the publisher to prepare and, on or before delivery of the print instructional materials, provide to the National Instructional Materials Access Center (NIMAC) electronic files containing the contents of the print instructional materials using the National Instructional Materials Accessibility Standard (NIMAS).

Stat. Auth.: ORS 337

## AIM Fact Sheet #2: How do the National Instructional Materials Accessibility Standards (NIMAS) help schools provide Accessible Instructional Materials?

The National Instructional Materials Accessibility Standard (NIMAS) is a standard file format established by the Secretary of Education and included in the Individuals with Disabilities Education Improvement Act of 2004 (IDEA 2004). NIMAS is to be used in the preparation of electronic files of print instructional materials which can more easily be converted into accessible formats. IDEA 2004 requires state educational agencies (SEAs) to adopt the NIMAS. Through the textbook adoption process, SEAs and local education agencies (LEAs) require publishers to use the NIMAS technical standard to produce source files in XML that may be transformed into student-ready specialized formats.

### Why is NIMAS needed?

The purpose of NIMAS is to help increase the availability and timely delivery of print instructional materials in accessible formats to blind or other students with print disabilities in elementary and secondary schools. The NIMAS file format is **not** ready for student use. The NIMAS source files need to be converted into student-ready files in Braille, large print, audio or electronic text formats.

Students qualify to receive NIMAS files at no cost to the education agency if they meet all of the following requirements:

1. The student qualifies for special education services and has an IEP;
2. The student's IEP team has determined that the student needs accessible Instructional materials; and
3. The student is qualified as a person with a print disability as defined by the 1996 Chafee amendment to the Copyright law.

### What is the NIMAC?

IDEA 2004 mandates the establishment of the National Instructional Materials Access Center (NIMAC) as a national repository for publishers' electronic files of textbooks and core related instructional materials in the NIMAS file format. The NIMAC is a division of the American Printing House for the Blind, Inc. (APH) in Louisville, Kentucky.

Only a state's Authorized Users may request NIMAS files from the NIMAC. The Oregon Department of Education has selected OTMC, OTAP and Bookshare as the Authorized Users that are designated to download source files from the NIMAC for eligible students in Oregon.

While there are many barriers to accessibility, the problems that are caused by multiple formats are particularly frustrating. The adoption of a common, or standard, format is a simplifying step that has been crucial to progress in many other fields—from railroads (adopting a common track gauge), to video technology (adopting a common format for DVD and HDTV). Similarly, progress in addressing the needs of students with disabilities has enhanced the United States Department of Education's endorsement of a common National Instructional Materials Accessibility Standard. With that single change, a number of barriers at many points in the educational system can now be addressed.

(nimas.cast.org, Retrieved May 13, 2009)

## **Federal Rules Regarding NIMAS**

§300.172 Access to instructional materials.

(a) *General.* The State must—

- (1) Adopt the National Instructional Materials Accessibility Standard (NIMAS), published as appendix C to part 300, for the purposes of providing instructional materials to blind persons or other persons with print disabilities, in a timely manner after publication of the NIMAS in the Federal Register on July 19, 2006 (71 FR 41084); and
- (2) Establish a State definition of “timely manner” for purposes of paragraphs (b)(2) and (b)(3) of this section if the State is not coordinating with the National Instructional Materials Access Center (NIMAC) or (b)(3) and (c)(2) of this section if the State is coordinating with the NIMAC.

## **Oregon Administrative Rules Regarding NIMAS**

**581-022-1640**

### **Instructional Materials**

- (1) For each program and course in grades K-12, each school district, on a cycle established by the State Board of Education, shall select and provide students with free appropriate instructional and resource materials produced in accordance with the National Instructional Materials Accessibility Standard (NIMAS). These materials shall contribute to the attainment of district, program, and course or grade level goals and reflect recent knowledge, trends, and technology in the field. The school district process for selecting and adopting instructional materials shall include opportunities for citizen and parent involvement.
- (2) The school district process must identify whether the district coordinates with the National Instructional Materials Access Center (NIMAC) when purchasing print materials under OAR 581-011-1185, and 581-011-1186.
- (3) Districts that do not coordinate with NIMAC must provide instructional materials to blind persons and persons with print disabilities in accessible formats under 581-015-2060.
- (4) Sufficient quantities, including those produced in alternate formats and those that cannot be produced from NIMAS files, shall be available in a timely manner to accommodate the number of students who will be using them at any one time. A timely manner means the materials are available at the same time materials are available for students who do not need materials in alternate formats. Stat. Auth.: ORS 326.051

<b>Oregon Contacts for Obtaining NIMAS Files</b>	
<b>For students who are blind or visually impaired</b>	<b>For students with physical or organic print disabilities</b>
<b>Oregon Textbook and Media Center (OTMC)</b> Gail Gibbard, Manager Phone: 503.540.2940 or 503.540.2941 Fax: 503.385.4716 <a href="http://www.wesd.org/sp/services/spec_svcs_otmc.asp">http://www.wesd.org/sp/services/spec_svcs_otmc.asp</a>	<b>Oregon Technology Access Program (OTAP)</b> Diana Roberts, Coordinator 1817 NE Stephens Roseburg, OR 97470 <a href="mailto:diana.roberts@douglasesd.k12.or.us">diana.roberts@douglasesd.k12.or.us</a> <a href="http://www.otap-oregon.org">www.otap-oregon.org</a>
	<b>Bookshare</b> - Online at <a href="http://bookshare.org">bookshare.org</a>

## AIM Fact Sheet #3: Which Students Qualify to Receive NIMAS files?

The 1996 Chafee Amendment to the Copyright Law established an exception to copyright protection for the reproduction of works for use by the blind or other persons with print disabilities. IDEA 2004 specifies that students who qualify under the Chafee Amendment can receive digital files from the National Instructional Materials Center (NIMAC) or an authorized media producer (AMP) at no cost. Students identified as having a “print disability” as defined by the Library of Congress regulations (36 CFR 701.6(b)(1)) are eligible to receive electronic files of their textbooks and core instructional materials from the NIMAC.

The four categories of eligibility under the Chafee amendment are:

- blindness,
- visual disability,
- physical limitations, and
- reading disability from organic dysfunction.

In order to qualify to receive digital files from the NIMAC, a “competent authority” must certify that the child meets the qualifications for the specific print disability.

Competent authority is defined in 36 CFR 701.6(b) (2). There are differences in the criteria for a competent authority depending on the student’s disability.

- (i) *In cases of blindness, visual disability, or physical limitations, “competent authority” is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers, and superintendents).*
- (ii) *In the case of a reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines. (NOTE: In Oregon, a doctor of Osteopathy is considered a doctor of medicine.)*

For a student who has been certified eligible by an LEA’s competent authority, the IEP team may take steps to obtain digital textbooks files through Oregon’s system of Authorized Users (AU). The single Authorized User for students who are blind or have visual impairments in Oregon is the Oregon Textbook and Media Center (OTMC). For students with physical disabilities or print disabilities caused by an organic dysfunction, the Oregon Technology Access Program (OTAP) and Bookshare.org have both been designated as Oregon Authorized Users.

NIMAS-conformant source files will not be distributed at the classroom or school level since these files require additional work to make them appropriate for student use. When the LEA has obtained the textbook or core instructional materials in a usable format, the team must identify and provide the instruction, supports, services and/or training that the student will need in order to use the materials effectively.

The IEP Team determines the instructional program, modifications, and accommodations needed for students with disabilities, including the need for accessible instructional materials. However, according to the Library of Congress regulations (36 CFR §701.6(b)), only a competent authority can certify students eligible to use instructional materials produced in specialized formats from NIMAS files. LEAs have the responsibility, including the assumption of any costs, to obtain the appropriate certification for the students. ([www.nichy.org](http://www.nichy.org), Retrieved May 13, 2009)

## **Federal Rules Regarding Eligibility for NIMAS files from the NIMAC**

### ***Title 36 Code of Federal Regulations***

#### ***Sec 701.10: Loans of library materials for blind and other physically handicapped persons.***

##### ***Eligibility Criteria.***

##### ***1. The following persons are eligible for such service:***

- i. Blind persons whose visual acuity, as determined by competent authority, is 20/200 or less in the better eye with correcting glasses, or whose widest diameter of visual field subtends an angular distance no greater than 20 degrees.*
- ii. Persons whose visual disability, with correction and regardless of optical measurement, is certified by competent authority as preventing the reading of standard printed material.*
- iii. Persons certified by competent authority as unable to read or unable to use standard printed material as a result of physical limitations.*
- iv. Persons certified by competent authority as having a reading disability resulting from organic dysfunction and of sufficient severity to prevent their reading printed material in a normal manner.*

##### ***2. In connection with eligibility for loan services "competent authority" is defined as follows:***

- i. In cases of blindness, visual disability, or physical limitations "competent authority" is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers, and superintendents). In the absence of any of these, certification may be made by professional librarians or by any persons whose competence under specific circumstances is acceptable to the Library of Congress.*
- ii. In the case of reading disability from organic dysfunction, competent authority is defined as doctors of medicine who may consult with colleagues in associated disciplines.*

(Retrieved May 13, 2009, from <http://www.loc.gov/nls/reference/factsheets/copyright.html>)

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<b>For students who are blind or visually impaired</b>	<b>For students with physical or organic print disabilities</b>
<b>Oregon Textbook and Media Center (OTMC)</b>  Gail Gibbard, Manager Phone: 503.540.2940 or 503.540.2941 Fax: 503.385.4716 <a href="http://www.wesd.org/sp/services/spec_svcs_otmc.asp">http://www.wesd.org/sp/services/spec_svcs_otmc.asp</a>	<b>Oregon Technology Access Program (OTAP)</b>  Diana Roberts, Coordinator 1817 NE Stephens Roseburg, OR 97470 <a href="mailto:diana.roberts@douglassesd.k12.or.us">diana.roberts@douglassesd.k12.or.us</a> <a href="http://www.otap-oregon.org">www.otap-oregon.org</a>
	<b>Bookshare</b> - Online at <a href="http://bookshare.org">bookshare.org</a>